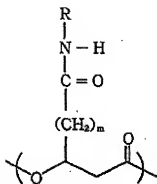(e)   REMARKS

The claims are 1-15 with claims 1 and 5 being independent. Applicants affirm the election of Group I, claims 1-4 and 6-10. The labels on claims 5 and 11-15 now read "Withdrawn". The Interview Summary dated June 16, 2010 is accurate and is directed to a procedural matter regarding the claims deemed by the Examiner to be covered by the restriction requirement. Reconsideration of the claims is requested based on the remarks which follow.

The drawings were deemed objectionable in that reference characters in the drawings were not recited in the specification. To obviate that objection, Replacement Sheets have been filed in which the reference characters in issue are deleted. Figures 5 and 6 are deleted entirely since no reference figures present therein are identified in the Specification. Fig. 7 is renumbered Fig. 5, since original Figs. 5 and 6 are deleted. Replacement Sheets are enclosed for Figs. 1, 2, 4 and 7 (now Fig. 5). No new matter is added.
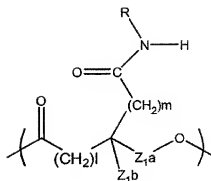
In addition the specification has been amended after the Brief Description of the Drawings heading on page 18 to delete reference to Figs. 5 and 6 and to renumber Fig. 7 to Fig. 5. The specification has also been amended to be consistent to the deletion of Figs. 5 and 6 and the renumbering of Fig. 7 as Fig. 5.

Claims 1-4 and 6-10 were rejected as anticipated by Fukui WO 2004/061530. (Fukui '530 corresponds to U.S. Patent No. 7,393,912 B2 (U.S.P. '912)). The Examiner relies on the formula in claim 1 of U.S. Patent 7,393,912 where $R = -A1(-SO_2Rl)_x$ and m and x are integers from 1-8. The grounds of rejection are respectfully traversed.

Applicants will show there is no anticipation since Fukui WO '530 (or U.S.P. '912) fails to teach all features of the present claimed invention. Formula (1) in Fukui WO '530 and formula (1) in the present claimed invention are as follows:

Formula (1) in WO2004/061530   Formula (1) in this invention

The two formulas have been compared to each other in the following Table. The present formula 1 requires the R group which means $x = 1$. In WO '530 no group is present corresponding to Z_{1a}.

Table

	x	l	Z1a	Z1b	m
Appln. no. 10/585,642	1	2-4	nothing, linear alkylene chain	H	0-8
		1	linear alkylene chain	H	0-8
			nothing	H	0
		0	linear alkylene chain	halogen atom, alkyl group, aryl group, aralkyl group	0-8
			nothing	H, halogen, , alkyl group, aryl group, aralkyl group	0-8
WO 2004/061530	1	1	nothing	H	1-8
	2-8	1	nothing	H	1-8

In formula (1) of Fukui '530 when $x = 1$, $\ell = 1$, Z1a = nothing, and Z1b = H, expressed in accordance with present Formula (1), then m = 1-8. In the present claimed invention, when $x = 1$, $\ell = 1$, Z1a = nothing, and Z1b = H, then m is 0. This means when x=1 and ℓ=1, the $(CH_2)_m$ group is not present in the present claimed invention, but is present in Fukui '530. This contrast is illustrated in the area with the grey background in the above Table. Also x can be 2-8 in Fukui WO '530, while x=1 in the present invention.

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Thus, polyhydroxyalkanoate compounds of the present invention and Fukui differ at least in the presence or absence of $\underline{m}$ for the -(CH2)- group in the formulas when x=1 and ℓ=1 and when x=2-8 and, therefore, define separate compounds. Accordingly Fukui WO '530 defines compounds different in constituents from the present claimed invention. Therefore, there can be no anticipation, since in no case are x, ℓ, Z_{1a} and z_{1b} identical for Formula (1) of Fukui and Formula (1) of the present claimed invention.

The claims should be allowed and the case passed to issue.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

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